

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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5 ANGELOS KOLOBOTOS,

No. C 06-06741 TEH

6 Plaintiff,

7 v.

8 TRANSPORTATION SECURITY  
ADMINISTRATION,

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10 Defendant.

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1 ORDER DENYING REQUEST FOR  
HEARING

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12 This case was dismissed with prejudice on August 27, 2007 pursuant to Fed. R.

13 Civ. Pro. 41(b) for failure to prosecute. Plaintiff requested a further hearing on

14 September 24, 2007. The request is hereby DENIED.

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This Court twice warned Plaintiff that failure to comply with the Court's orders could result in dismissal of his case with prejudice. Plaintiff failed to appear for a July 30, 2007 Case Management Conference. On July 31, 2007, the Court reset the CMC and issued an order warning Plaintiff that "**if he fails to appear at the August 13, 2007 CMC, this action may be dismissed on August 13, 2007 for failure to prosecute.**" July 31, 2007 Order at 1 (emphasis in original). On August 13, 2007 Plaintiff again failed to appear. Although the Court dismissed the case orally on August 13, 2007, the Court later received information from Defense counsel – not from the Plaintiff – that Plaintiff did not receive notice of the hearing. Accordingly, the Court issued an Order to Show Cause on August 15, 2007 that explicitly stated that the Court may dismiss an action for failure to prosecute and ordering Plaintiff to appear on August 27, 2007 and to show cause why the action should not be dismissed. The Order explicitly stated that "**Failure to comply with this Order shall be cause for dismissal of this action.**" August 15, 2007 Order at 2 (emphasis in original).

1 Plaintiff failed to appear at the OSC. The Court dismissed the action with  
2 prejudice on August 27, 2007. Plaintiff offers no credible explanation for his failure  
3 to appear and show cause. The Court's weighing of the factors listed in its August 15,  
4 2007 Order remains unchanged. The request for a hearing is DENIED, and the case  
5 remains dismissed with prejudice.

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7 **IT IS SO ORDERED.**

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9 Dated: October 1, 2007

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THELTON E. HENDERSON  
UNITED STATES DISTRICT JUDGE